UNITED
NATIONS

A E

General Assembly
Economic and Social Council

Distr.
GENERAL

A/50/92
E/1995/15
7 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 114 (c) of the preliminary list*
HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1995
SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: HUMAN RIGHTS QUESTIONS

Letter dated 7 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the memorandum on the violation of human and civil rights of the Serbian people in the Republic of Croatia.

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 114 (c) of the preliminary list, and of the Economic and Social Council under the item entitled "Social humanitarian and human rights questions: reports of subsidiary bodies, conferences and related questions: human rights questions".

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

* A/50/50.

95-06527 (E) 200395 220395

/...

ANNEX

I

The territories in which both Croats and Serbs had lived for centuries were entered into the administrative borders of the former Yugoslav federal unit of the Socialist Republic of Croatia in 1945. Never in their history have the ethnic territories of the Serbian people been part of an independent Croatian State.

The first records of Serbs in these territories date back to 822 (Frankish chronicler Ainhard). They settled in as many numbers as Croats and at about the same time. Ainhard's "Annals" recorded that Serbs had lived in the preponderant part of Dalmatia (Sorabi "quae natio magnum Dalmatiae partem obtinere dicitur"), while Croats lived in the territories west of the Cetina river.

The settlement of Serbs in greater numbers in the waste lands of Lika, Kordun, Banija and Slavonia (parts of the present-day Republic of Serbian Krajina) took place in the XVI and XVII centuries at the invitation of the then Austrian Emperor. As separate Serbian military units, they put themselves under the command of Austrians (Germans) for the purpose of defending the border from the Turks, establishing in the process a frontier zone, the Vojna Krajina (Militaergrenze), which was recognized and granted special privileges by Ferdinand I. These privileges were confirmed in the following decades and centuries. In 1622, Ferdinand II established a special status for these territories in which Serbs lived within the Austrian Empire. The Serbs were exempted from all taxes. He confirmed the special status, with elements of a State, by issuing a special patent in 1630. From the legal point of view, the Vojna Krajina could not belong to Croatia as the Croatian State ceased to exist in 1102. These facts many of the root causes of Serbo-Croatian conflicts. The Vojna Krajina played an important role in the history of Europe and in the creation of the community of the Yugoslav peoples.

The downfall of the Ottoman Empire ushered in a process of germanization and magyarization. To facilitate the process and achieve their political goals in the Balkans, Vienna and Budapest stopped at nothing to provoke Serbo-Croatian conflicts.

Since 1860s, the forcible germanization and subsequent magyarization were followed by a forcible croatization of Serbs which continued until the present day.

Following a successful completion of the Balkan wars, Serbia and the Serbian people assumed a Piedmontese role in the "rassemblement" of the South Slavs. South Slav unification was effected after World War One and the Kingdom of Serbs, Croats and Slovenes was created. The Preamble of the Treaty of Saint Germain says that the Serbs, Croats and Slovenes from former Austria-Hungary decided of their own free will to unite lastingly with Serbia for the purpose of establishing an independent and united State under the name of the Kingdom of Serbs, Croats and Slovenes.

The Kingdom of Serbs, Croats and Slovenes (the Kingdom of Yugoslavia since 1929) broke down under the attack of Germany and its fascist allies (Bulgaria, Italy and Hungary) in 1941.

On its ruins and under the German-Italian tutelage was created the Independent State of Croatia which carried out a genocide of unprecedented proportions against Serbs, Jews and Romanies.

II

Croatian policy, past and present, has been based on the ideology that there is only one, Croatian, "political", i.e. constituent, people in the Croatian State territory. It was, and continues to be, the basis of the Greater Croatia policy, the aim of which has been the creation of ethnically pure and religiously united Catholic Greater Croatia.

Through history, Croatian politicians and political parties recognized the physical existence of Serbs in Croatia, Slavonia and Dalmatia, but they refused to recognize their political individuality and constituent nature and treated them as "Orthodox Croats", with a covert or overt intention to assimilate them.

The faultline running through these lands divides Catholic Croats from Orthodox Serbs who were a wall between Islam in the East and Christendom in the West. A number of Croats embraced militant Catholicism whose ambition was to dominate over the Balkans, while the Serbs continued the struggle for the preservation of their ethnic and spiritual identity. Through history this struggle assumed different political and military forms and continues also today.

Cardinal Leopold Kolonic is considered the founder of militant Catholicism and his ideas were taken over and carried out by Alojzije Stepinac, Archbishop in Zagreb in 1941 and the vicar of the Army of the Independent State of Croatia.

The author of the racial, national and religious superiority of Croats over the Serbs was Ante Starcevic. He maintained that the Croatian people could not restore its national State without prior extermination of the Serbian people. With Eugen Kvaternik, he establish the Croatian Party of Right in 1861. Starcevic predicated his policy on the so-called Croatian State right and called for the creation of Greater Croatia from the Alps to the Prokletije Mountains. Denying the political individuality of the Serbs in Croatia, Slavonia and Dalmatia, he and his followers claimed that Serbs were "Orthodox" Croats. He also thought of Croats as a superior and of Serbs as an inferior race. The racial theory of Ante Starcevic and his Frankovci successors resulted in the Ustasa attempts to create a pure Croatian and Catholic Independent State of Croatia in World War Two. Starcevic's statements that the Serbs were a race of slaves and that, for this reason, they should be axed was put into practice in the Independent State of Croatia from 1941 to 1945. It is estimated that about 900 000 Serbs perished in the concentration camps at Jasenovac, Jadovno and elsewhere, in karst pits and village wells and in massacres in Orthodox churches.

The third genocide attempt against the Serbs is taking place today within the borders of the internationally recognized Republic of Croatia under the leadership of Franjo Tudjman. The present-day Croatian State continues the State personality of the Independent State of Croatia, as was said unequivocally by Franjo Tudjman at the first congress of the Croatian Democratic Community. "The Independent State of Croatia was not only a mere quisling creation and a fascist crime, but also an expression of the historical aspirations of the Croatian people for its own independent State and the recognition of international factors. Accordingly, the Independent State of Croatia did not represent a mere whim of the Axis powers, but was also a consequence of certain historical circumstances."

Preparing and carrying out forcible secession from the former Yugoslavia, Croatia continued also the policy of genocide against the Serbian people, the foundations of which were laid down by Ante Starcevic (Croatia elevated him onto the pedestal of the Father of the Nation) in 1861 and espoused and zealously pursued by Ante Pavelic from 1941 to 1945.

To facilitate the implementation of the genocidal policy, the Tudjman regime "expunged" the Serbs from the new Croatian Constitution (in all the Constitutions of the former Yugoslav federal unit of the SR of Croatia, the Serbs had the status of a constituent people, not of a national minority), refusing to guarantee them the basic civil and national rights.

III

FORMS OF DISCRIMINATION AND VIOLATION OF HUMAN AND CIVIL RIGHTS

The rights of the members of the Serbian people, guaranteed by international law and international covenants on human rights are violated in the most flagrant way in the Republic of Croatia.

Regardless of the statements of Croatian officials, the Serbian people in the Republic of Croatia is being persecuted, its property is usurped, Serbian houses and economic establishments are destroyed, Orthodox churches are devastated, Serbs are forcibly converted into Catholicism and their political, civil, economic, social and cultural rights are violated.

The persecution of the citizens of Serbian nationality began immediately after the Serbs were denied their status of a constituent people and the subsequent declaration of the independence and sovereignty of the Republic of Croatia.

The violence against Serbs has also the characteristics of terror as it is directed both towards the immediate object and towards other members of the Serbian people with the aim of intimidating them and of sowing uncertainty and panic in order to compel them to leave the territory of the Republic of Croatia. The mass exodus of Serbs commenced in the summer of 1991 and continues also today.

From a constituent people, the Serbs were reduced to a national minority. In that way they lost numerous national and civil rights. The Serbian language and the Cyrillic alphabet are no longer in use, while the spiritual and cultural identity of the Serbian people is denied. Papers and magazines are no longer published and radio and television no longer broadcast in Serbian. The Serbs are discriminated against on the basis of race, whereby Croatia, as Party Signatory, violates the basic provisions of the Convention on the Elimination of All Forms of Racial Discrimination.

The escalation of the war in Croatia brought about even more flagrant violations of the human rights of the Serbs in all fields and walks of life. As a rule, the most flagrant violations of human rights (war crimes, genocide, ethnic cleansing, physical maltreatment) took place in the first stage of the crisis and war. Mass killings of Serbs in the territory of the former SR of Croatia began in May 1991 and culminated in the period between November 1991 and March 1992. The mass killings were carried out especially in the territories where the Serbian population was in the majority and in cities and town outside combat areas. Lawlessness in the work of all Croatian authorities escalated dramatically at that time, primarily to the detriment of the citizens of Serbian nationality. Serbs were dismissed from their jobs, the families of Serbs and the members of the former JNA were unlawfully and forcibly evicted from their apartments and their property was destroyed on a mass scale. Serbs were harassed during police interrogations and disparaged and humiliated in their homes, in public places and in the media.

Overall pressure on the Serbs intensified after Croatian political leaders and prominent lawmen inaugurated in their public statements the principle of the collective responsibility of the Serbs for war atrocities in former Croatia and Bosnia-Herzegovina. The citizens who had fled to the areas not controlled by Croatian authorities were afraid to return to their homes because of the fear from police interrogations, accompanied by physical maltreatment.

In the second phase of the development of the situation in Croatia, especially in the period after the adoption of the Vance Plan, the most frequent human rights violations were those in the field of employment.

In the second half of 1992 lawlessness with respect to the citizens of Serbian nationality continued. They were dismissed from work and had their requests for citizenship ("domovnica") refused. There were frequent instances of the failure to take legal actions to prosecute perpetrators of serious criminal acts, in particular of mass killings and genocidal actions.

The consequences of the lawlessness against the Serbs were felt also by the Croat members of their families. The persecution of Serbs aimed also at punishing the Croats who had married Serbs since, by doing so, they had transgressed against the basic tenet of the purity of faith. This was particularly evident in the policy of unlawful evictions and the refusal to grant citizenship.

There is abundant evidence that the citizens of Serbian nationality were treated as "traitors and Cetniks", who represented a threat to the constitutional order and territorial integrity of the Republic of Croatia only because of their national origin. The media often branded them enemies of sovereign Croatia. In that way they created a very inimical environment for the Serbs, so that many of them were compelled to forgo all public engagement or organization and conceal their national origin at their place of work or while filing personal data in official forms and questionnaires. They were also reluctant to approach Serbian associations, whose intercessions with Croatian authorities went unheeded.

Some organs, most often military and municipal, refused even to take into procedure the requests of the citizens of Serbian nationality related to the realization of their rights, explaining them away as unfounded and excusing themselves that it was not their duty to deal with their requests in the first place. Even if they were taken into procedure, they were processed very slowly or deliberately delayed. The procedure to obtain citizenship, for instance, lasted between 6 and 12 months, while cases related to employment and housing matters lasted up to two years even though they were considered urgent.

Even the international human rights organizations which are notorious for their biased reporting of the human rights situation in the former Yugoslavia, such as Helsinki Watch and Amnesty

International, registered a large number of serious criminal acts in which the victims or aggrieved parties were the citizens of Serbian nationality, so that they also deemed it necessary to voice their own opinion in this regard. The period from mid- 1993 to mid-1994 was characterized by the reduction of the number of serious criminal acts against the citizens of Serbian nationality because they had been drastically ethnically cleansed by that time, which accounted for a large reduction of the number of Serbs who still lived in Croatia. Nevertheless, the authorities continue to violate the human rights of Serbs although they resort to less violent and overt forms of violation and use the instruments and methods of latent pressure and discrimination within the legal system.

At the political level, problems are explained away as insignificant and few in numbers, serious cases of lawlessness are covered up, while even the most grievous crimes are justified as "normal reactions to the Serbian aggression".

IV
DISCRIMINATION AGAINST THE SERBIAN PEOPLE IN CROATIA IN THE FIELD OF NORMATIVE ACTS

The Croatian Constitution and the Constitutional Law treat Serbs as a national minority. The Preamble of the Constitution of the Republic of Croatia spells out that Croatia is the national State of the Croatian people, as well as the State of equal citizens. Article 14 provides for the equality of all citizens in the Republic of Croatia irrespective of their differences; Article 15 for the equality of the members of all nations and minorities; Article 43 establishes the right of all citizens to organize themselves under equal conditions; Article 68 regulates the right to the scientific, cultural and artistic creation of all citizens of Croatia. On the face of the evidence provided by these Articles of the Constitution of the Republic of Croatia, one is bound to believe that Croatia is a democratic Arcadia.

In its Election Law, the Republic of Croatia provides for the right of national communities, accounting for over 8 per cent of the overall population, to be represented in the Croatian Sabor. This provision relates in fact to the Serbian national community since this community alone fulfils the 8 per cent "threshold". However, having established this right of Serbs to be proportionally represented by a normative act, the Republic of Croatia has taken a number of measures to compel Serbs to either change nationality or religion or to leave the territory of Croatia.

The basis for the proportional representation in Parliament was the population census from 1981 (according to this census 531 502, i.e. 11.55 per cent Serbs and 379 057, i.e. 8.23 per cent of Yugoslavs lived in Croatia). According to the population census from 1991, 581 663, i.e. 12.2 per cent of Serbs and 106 041, i.e. 2.2 per cent of Yugoslavs lived in Croatia. However, it proved out that the "Yugoslav" voters were by and large citizens of Serbian nationality. For, in the municipalities in which Serbs and Yugoslavs accounted for over 50 per cent of the overall population, the Croatian Democratic Community lost the elections and the majority of seats in Parliament were held by Serbs (Vukovar, for instance).

The Law on Local Government broke up and destroyed the Serbian electoral corpus*, while the establishment of zupanije and kotars, the entire Serbian national corpus was pulverized. The Serbian ethnic wholes were unnaturally divided whereby their compact and synchronized political and every other activities were prevented.

The Law on the Election of Representatives in the Sabor of the Republic of Croatia and the Law on Election Units made it even more difficult for the Serbs to be elected into the Sabor. These laws confirmed the solutions, dictated by political interests and adopted under the influence and pressure of the Croatian Democratic Community. All this was designed to prevent the Serbian representatives in the Sabor from representing the genuine interests of their people. These arrangements opened the problem of the legitimacy of these representatives.

---

*The Municipality of Knin was divided into the electoral units of Benkovac and Drnis. This resulted in Croats being the majority in 55 out of 60 constituencies and Serbs were the majority in only one constituency, in Petrinja; in the remaining four, the Serbs constituted only a relative majority. The aim of this division was to prevent the election, in the areas in which the Serbs were the majority, of the legitimate and authentic representatives of their interests.

1. **Violation of PoW Conventions**

In the second half of 1991 the Croatian military forces massively violated the Geneva Conventions on PoWs and civil population.

Hundreds of PoWs of Serbian nationality were killed and physically maltreated in the war affected areas of Croatia.

Particularly abominable was the killing of 13 reservists and soldiers on the Korana river bridge in Karlovac on 21 September 1991 by the members of the Ministry of the Interior of the Republic of Croatia and the National Guard and the killing of 12 persons, also of Serbian nationality, at Marino selo, Municipality of Pakrac, on 15 November 1991 by the members of the Croatian military. Both cases were reported by Helsinki Watch. The report says that there were instances of the torture and maltreatment of PoWs following their capture and detention by the Croatian military police. It goes on to say that there were many instances of the abuse of duty and the procedure towards PoWs in local police stations. The report, inter alia says that it appears that the Croatian forces in Sisak and elsewhere in Western Slavonia were particularly ruthless towards those they held prisoner.

Also, in the night between 12 and 13 December 1991 at Gracanica near Glina, the members of the National Guard and the students of the University of Zagreb massacred in the most brutal way 28 members of the Serbian territorial defence which they had taken prisoner. Forensic experts identified only 19 persons.

Given below are only some of the instances of the inhuman treatment of the Serbs taken prisoner in Croatia in 1991:

- Osijek, 17-22 September 1991: A group of JNA members taken prisoner at the Bela barracks spent 5 days and 4 nights in a truck trailer without food and water as members of the National Guard mistreated them in all sorts of ways, beating them, extinguishing cigarette butts on their bodies, forcing them to kneel down and to lean with their elbows on broken glass, stabbing them with knives and threatening to shoot them with pistols.

- Zagreb, Kerestinec Camp, June 1992-March 1993: Detained together were Serbian PoWs and civilians. The prisoners experienced the atrocities unimaginable to human mind.

The witness whose name is known to the State Committee for the Collection of Evidence on War Crimes spent about one month (July-August 1992) in that camp. He had been sent there, they told him, to serve the term to which he had been sentenced while lying and being interrogated in the hospital of Slavonski Brod. He had stood no trial before a court of law, neither had he been given a court decision and was instead only informed that he had been sentenced.

In Kerestinec, he was tortured with electricity by having one wire tied to his ear and the other to his sex organ. The telephone handle was then repeatedly turn round,
whereby he was exposed to high-voltage electricity shocks, which caused contractions and numbness of his body.

- Zagreb, Kerestinec Camp, January-April 1992: According to the statement of a woman witness, younger women were taken out of this camp for Serbs at night and returned after 4-5 hours. The women said that they had been raped by two or three Croatian policemen at a time.

- Witness M.P. had been employed as a driver in the Bela barracks in Osijek when the JNA soldiers from the barracks surrendered on 17 September 1991 whereafter they were taken to the Ministry of the Interior premises in Osijek where they were beaten until they lost consciousness.
Particular atrocity was the forcing of PoWs to run the gauntlet of the members of the National Guard who would beat them with rifle butts and batons, kicking them and shooting soldier Jova Banjac who died one hour later.

- Metkovic, Tobacco Station, June-July 1992: Together with the group of captured JNA officers and soldiers, the witness was incarcerated into a room of the Tobacco Station at Metkovic, three floors underground which had served as an atomic shelter. The room was 2 x 1.1m wide and 2m high and was hermetically sealed off, so that PoWs suffered from asphyxiation. When they finally opened the room, all of them were half-dead because of the lack of oxygen. They spent 7 days in this room. All along they were visited by civilians, most of them drunk, whom the guards allowed to beat them.

- Split, "Lora" Prison, June-July 1993. Witness B.K. was taken to this prison where he spent two months. They beat him there mercilessly regardless of the fact that he was a disabled person without a leg. Once they forced him to lie down naked on the wet floor, whereafter they tied the wires of the induction telephone to his ear and a toe of his left foot and switched electricity on. Electricity shocks caused contractions and great pain as it was switched on and off until his mouth started to bleed.

- Witness N.K. spent in the same prison only one day. Immediately upon arrival, he was led to a meadow together with ten other prisoners. Croatian military policemen appeared soon after, carrying metal pipes about 50cm long and 3/4 inch thick. They beat them with the pipes all over their bodies even though the witness had been wounded.

Witness N.K. had his right arm broken in three places, his left arm in two places and his shoulder in one place. The beatings lasted for two hours and when he fell down, the policemen kicked and stamped upon him. On that occasion they broke his teeth.

- During the month and a half he spent in "Lora", witness P.B. was humiliated in all sorts of ways and beaten most mercilessly even though he had been wounded.

On three occasions, they brought over boys aged between 7 and 8, took prisoners out of their cells, (witness P.B. was also among them), forced them to sit on the concrete floor, put boys on chairs beside which the prisoners were seated and the boys would wet over them from above.

According to as yet unconfirmed data, 95 camps for Serbian PoWs and civilians and military persons have been registered in the territory of the Republic of Croatia. Not a small number of these camps were Pavelic-type concentration camps in the full meaning of the word, in which Serbs were tortured and killed. The camps were at the following locations: Bjelovar (prison on the Ministry of the Interior premises); Varazdin; Vinkovci; Brgorac (prison); Vukovar (Borovo "Komerc"); Vukovar (Borovo "Nova obuca"); Vukovar (Hangar at the airport); Vukovar (school under construction at Borovo Naselje); Vukovar (kindergarten near the Municipality Building); Vukovar (basement in the Municipality Building); Vukovar (atomic shelter); Vukovar ("Drvopromet" warehouses); Vukovar (catacombs under the cemetery); Vukovar (Ruthenian Church); Vukovar ("Vladimir Nazor" School); Vukovar (Luzac); Vukovar ("Abazis" warehouses); Vukovar (Erceg Palace, Chapel); Vukovar (Ministry of the Interior); Vukovar (Military Department); Gospic (Smiljane Camp); Gospic (District Prison); Gospic (village of Zablato); Gospic (brick factory in the village of Perusic); Gospic (Trnovac Zablato); Grubisno Polje ("Bilogora" Hotel); Daruvar; Dubrovnik ("Excelsior", Military Police Headquarters); Dubrovnik (Villa "Palma"); Dubrovnik (District Court); Dubrovnik ("Zagreb" Hotel on the island of Lapad, Military Police Headquarters); Djakovo (Prison); Zadar (Bonk); Zadar (Airmen's Club); Zadar ("Velimir Skorpik" school); Zagreb (Vlaska ulica, Ministry of the Interior); Zagreb (Cemomerec, bricks factory); Zagreb (Vukomerec Infractions Prison); Zagreb (Gajeva ulica 3, Former Military Interrogation Prison); Zagreb ("Marshal Tito" barracks); Zagreb (Kerestinec); Zagreb (Kuniscak); Zagreb (Remetinec, Rajtariceva ulica); Zagreb (Petrinjska ulica 12 and 18); Zagreb (Selska ulica, former JNA barracks); Zagreb (Trstenik); Zagreb (Cemomerec); Imotski; Karlovac; Lepoglava (Penitentiary); Lipik; Lipovac; Marino selo (Fisherman's Hut near Daruvar); Metkovic (Prison); Metkovic (village of Duboka); Metkovic (Radio Station); Metkovic (Sports Hall); Metkovic (Tobacco Station, basement); Nasice; Nin; Nova Gradiska (Ministry of the Interior prison); Nova Gradiska (prison in the military barracks); Nova Gradiska (basement of the High School building); Novska; Ogulin; Orahovica; Osijek (Ministry of the Interior); Osijek (Red Barracks); Osijek (camp on the Stadium); Pag (Slano); Pakrac (basement of a department store); Ploce; Podravska Slatina; Pula (Katarina); Pula (Krecnjevica); Pula ("Valtura" Penitentiary); Rijeka (Cijotina, 29th garrison prison); Rijeka ("Via Roma" Ulica zrtava fasizma); Sinj (the former JNA barracks "First Split Partisan Detachment"); Sisak (the refinery garage); Sisak (Ministry of the Interior); Slavonska Pozega (District Prison); Slavonski Brod (basement and the bowling alley of the "Kod Bardaka" Cafe); Slavonski Brod (basement of the Public Security building); Slavonski Brod (camp in the Fire Department building); Slavonski Samac; Solin (Bilice); Split (Katalinica Brijeg); Split ("Lora"); Split (Dracevac, former JNA barracks); Split, Bilice (between Split and Solin); Trogir; Turopolje; Sibenik (Mandalina prison) and Sibenik (Subicevac).

2 Ethnic cleansing and unlawful arrests

Since 1 June 1991, the authorities of the Republic of Croatia have expelled more than 350 000 Serbs from the territories under their control. The ethnic cleansing was carried out by various methods:

physical liquidations and the incarceration in camps and prisons, organized destructions of Serbian houses, forcible evictions, dismissals from work, prevention of religious life, refusals to grant Croatian citizenship, etc.

The ethnic cleansing of Serbs was carried out everywhere in the Republic of Croatia, particularly in Western Slavonia. Serbian villages were systematically burned and destroyed. According to the data collected since 15 August 1992 (Report of the Serbian Sabor on the persecution of the Serbian people and the ethnic cleansing of Western Slavonia by the authorities of the Republic of Croatia, published as an official document of the General Assembly of the United Nations), Croats completely ethnically cleansed 183 Serbian villages and 10 towns, while 87 villages were partially cleansed.

In the Report of the United Nations Secretary General of 15 May 1993 (S/25777), it is said that 250 000 Serbs were expelled from Croatia. These data include only the registered cases of the expulsion of Serbs who found shelter in the Republic of Serbian Krajina and in the territory of the FR of Yugoslavia.

Most of the Serbs were expelled from a large number of Croatian cities and towns by most perfidious methods: 30 000 from Karlovac; 28 000 from Zadar; 20 000 from Sisak; 5 000 from Gospic; 15 000 from Sibenik; 10 000 from Vinkovci; 10 000 from Slavonski Brod and 10 000 from Daruvar (Documented data on ethnic cleansing in Croatia were forwarded by the Government of the FR of Yugoslavia to the United Nations on several occasions, including the 4 Reports of the Government of the FR of Yugoslavia on War Crimes under Security Council resolution 780).

Also, according to the data of the European Union Monitoring Mission in Zagreb, 500 Serbs leave Croatia every day even today basically for the Republic of Serbia, Republic of Srpska and the Republic of Serbian Krajina.

Dr. Dusan Bilandzic, current Deputy Head of the Office of the Republic of Croatia in Belgrade, said at the meeting of the State Committee for the Normalization of Croatian-Serbian Relations, held in Zagreb on 24 May 1993, that 250 000 Serbs had left the territories under the sovereignty of Croatia. "An intimate desire for ethnic cleansing is hidden behind the acts of the Croatian State authorities," Dr. Bilandzic went on to say.

Given below are some typical examples:

- An exhaustive list of the "enemies" of the sovereignty of the Republic of Croatia was published by the Croatian armed forces in Daruvar in the beginning of 1992. This list was published in the form of a booklet entitled "Who Is Who in Daruvar" and contains a short Foreword and the names and surnames of 6 521 Serbs from 35 settlements of the Daruvar Municipality who, by voting for the Serbian cultural autonomy at the autumn 1990 referendum, allegedly sowed the "seeds of evil" in Slavonia. After the publication of the booklet, a mass exodus of Serbs from this area ensued.

- 10 000 citizens of Serbian nationality left the local communities of Kozari Bok and Kozari Put at Pescenica under pressure, abandoning all their property. The perpetrators are known, but they have never been called to account for their deeds.

- Vodice, June-December 1991: Witness B.M., who had been employed as a cook assistant in a hotel at Vodice, was isolated like all other Serbs at his place of work after the election victory of the Croatian Democratic Community. Their Croat workmates kept away from them, hotel manager Stipe Loncar told them in June 1991: "Things will get very tough for you. You Serbs better don't come to work and leave this place altogether." After this warning, frightened Serbs no longer showed up.

- Village of Dragisic in the vicinity of Vodice, in which witness B.M. had lived, was surrounded in September 1991 by the members of the Croatian military. Serbian children stopped going to school in the nearby village of Cista Mala. The village Serbian Orthodox church was shelled also during these days. Serbian houses were destroyed and the village no longer exists.

- Bibinje near Zadar, 2 May 1991: A large group of the citizens of Zadar and Bibinje carried out organized violence against the property of the citizens of Bibinje of Serbian nationality with the aim of compelling them to leave their village. On that occasion, 37 Serbian houses were demolished and destroyed. Their business premises and houses were looted which resulted in a mass exodus of Serbs from Zadar and its vicinity.

- Zadar, 2 May 1991: A large group of the citizens of Zadar of Croatian nationality carried out organized violence against the citizens of Zadar of Serbian nationality with the aim of compelling them to leave the town. Over 100 Serbian business premises and houses were burned down. All of them were looted which resulted in a mass exodus of Serbs from Zadar. The branch offices of companies headquartered in Belgrade were devastated and looted: "Novi dom", "JAT", "Putnik", "Avis", "Beko", "Merkur", "Kluz", "Beteks" and others.

- Village of Ratkovica, Municipality of Slavonska Pozega, December 1991 and the first half of 1992: Powerful pressure was brought to bear on Serbs in this village with the Croatian majority in order to compel them to leave the village. The Serbs were taken to the police, interrogated, threatened in all sorts of ways and their houses were shot at at night. On Catholic Christmas Eve 1991, a bomb was thrown into the courtyards of Milan Vujcetic and Nedeljko Treskavica. Soon after, in the first half of 1992, the houses of 8 Serbs were dynamited and destroyed. In addition to the living quarters, the economic and other auxiliary buildings of Serbs were destroyed and their haystacks were burned. There were no combat operations in this village and the nearest place in which combat operations did take place was 50km away.

The arrests and maltreatment of the Serbian population were the most frequent violations of human rights, caused by the abuses of Croatian military and civilian authorities.

Even Croatian officials confirmed that more than 30 000 criminal proceedings were instituted against the members of the Serbian nationality in Croatia. Some of the numerous cases of arrest are given below:

- Milan Grba, pensioner, former head of the Centre of State Security in Karlovac was detained by the police in Rijeka after allegations in "Vecernji List" and "Slobodni tjednik" that he was a "Cetnik slaughterer" and that he had committed crimes against the Croatian population. Even though it was established during investigation that he had been at his sister's in Uzice during the time of the commission of the crimes, he was detained. His sister, employed in the police station in Rijeka, had to leave her job under pressure and the accusations that she was "leaking secret information".

- At the end of 1991, Dane Drakula was arrested in Gospic. In February 1992, he was released from prison. After his arrival in Rijeka and subsequently in Pula, he was arrested again together with other 13 citizens.

- On 12 March 1993, the police in Rijeka took away 3 citizens of Serbian nationality from the apartment of Ljubica Bozanic. They were detained in the police station without a reason where they were maltreated and beaten. On that occasion, Dusan Dobrota, who had lived and worked in Rijeka for about 20 years, was beaten and seriously injured only because he had been born in the municipality of Knin. The perpetrators, local officials, remained "unknown".

- On 30 December 1991, the members of the Virovitica bojna (company) arrested 36 Serbs in Daruvar, including women. Having spent three days in a dark basement, the arrested people were released on 2 January 1992. Some men were beaten.

3. Ruthless killing of civilians and disappeared persons

Mass crimes against, and the liquidation of, Serbs in the Republic of Croatia were carried out for the purpose of the ethnic cleansing of Croatian territories and the creation of a pure Croatian State.

According to available data, obtained by the investigation of Croatian crimes against the Serb population, the preponderant victims of the killings and massacres were older men and women.

A large number of Serbs was killed. The exact number of the victims is not always easy to establish. These crimes were reported also by "Helsinki Watch", "Amnesty International" and other organizations for the protection of human rights. Some of the killings could not remain unreported even in the strictly controlled Croatian information media. The general characteristic is that the Croatian authorities have not completed the investigation in any of these cases, sentenced the perpetrators of the crimes or informed their public thereof.

Given below are some cases of these killings:

- From 15 October 1991 to 31 March 1992 about 2 500 Serbs were killed at Marino selo and Pakraska poljana by the death squads of Tomislav Mercep, the current Assistant Minister of the Interior of the Republic of Croatia. Drawing upon their own data, the associates of the Information Centre of the Serbian Sabor accused in their letter to the Secretary-General of the United Nations of 19 February 1992 Franjo Tudjman for the killing of 12 Serbs from the village of Kip, Municipality of Daruvar, in the death camp at Marino selo.

- The case of the killing of the three members of the Serbian family Zec in Zagreb is frightening. The perpetrators of this heinous crime, Sinisa Rimac, Munip Suljic, Nebojsa Hodak and Igor Mikula, were acquitted because of the alleged failure of the court to honour procedural formalities. In this way the Croatian authorities gave a signal for the continued killing and looting of the Serbian population in the Republic of Croatia.

- In the second half of October 1991, the members of the special units of the Ministry of the Interior and the National Guard of the Republic of Croatia picked 490 prominent Serbian civilians from Gospic from a prepared list, bundled them up in trucks and liquidated them the following night in the karst pits of Mt. Velebit. The bodies of only 24 Serbs were found and identified and the relevant data are kept with the State Committee for War Crimes.

- Medak Pocket near Gospic, 9-13 September 1993. Janko Bobetko, Commander of the Supreme Headquarters of the Army of the Republic of Croatia, ordered the combat operation "Scorched Earth" for the purpose of taking the area of "Medak Pocket" in the UNPAs. The operation plan envisaged a sudden surrounding of the Serbian villages of Divoselo, Pocitelj and Citluk, liquidation of the population and the total destruction of the settlements. In carrying out the order the members of the units of the Army of the Republic of Croatia ("Croatian Wolves", 1rst Company of the National Guard) killed and massacred over 100 Serbs. Janko Bobetko conferred medals on a large number of soldiers and officers who had excelled in that action.

Tomislav Mersep, commander of a special unit of the Ministry of the Interior of Croatia, also participated in this action. UNPROFOR also reported of the atrocities of the Croatian military forces in the Medak Pocket.

- On 5 September 1991, the members of the 1rst Brigade of the National Guard killed 8 Serbs over 50 years of age in the village of Gredjani (Nova Gradiska).

- On 29 October 1991, the Croatian authorities issued an order for the deportation of the population of 28 villages in the Western part of the Municipality of Slavonska Pozega. On 10 December 1991, Croatian soldiers liquidated the Serbs who refused to leave their homes (43 Serbs were killed only in one day).

- On 29 December 1991, the members of the 123th Brigade of the National Guard killed 16 Serbs, most of them old people, in the villages of Gornji, Srednji and Donji Grahovljani (Pakrac).

- In the night between 12-13 December 1991, 18 Serbs were killed in the village of Paulin near Vinkovci.

- On 21 June 1992, 41 persons of Serbian nationality were killed on the Miljevacki Plateau and it was never possible to identify their bodies (this crime was condemned by Security Council resolution 762).

- The members of the Radosavljevic family, Radovan (1956), Jovanka (1960), Dejan (1978) and Nenad (1982) were killed on 25 February 1992 in their house in Daruvar and were buried on 28 February 1992 in the graveyard of the village of Imsovac, Municipality of Daruvar. They were killed by the members of the Croatian military police (one of the perpetrators was Croat Jozica Mudri, about 23 years old). Criminal proceedings were instituted against them in Croatia but they were dropped due to the "lack of evidence".

- Between July 1991 and March 1992 a large number of people was either killed or disappeared, but only 40 of them were identified. It is believed that this number was much higher. In its letter to the President Tudjman of 17 March 1993, the Serbian community in Croatia put that number at 400.

4. **Various forms of pressure, threats and maltreatment**

Whenever speaking of Serbs in Croatia in his public appearances since his election as Head of State, Franjo Tudjman always ended his statements with threats whose sole aim was the intimidation of Serbs. Speaking on "Bread Day" (October 1993), for instance, he used the opportunity to threaten the Serbs both in Knin and in Zagreb, calling on the latter "to bring their fellow Serbs in Krajina to their senses".

At the end of July 1993, the President of the Republic of Croatia called on prominent Serbian intellectuals to help find a solution to the Serbian question in Croatia. On that occasion, he warned that it would not be possible to guarantee security to the Serbs living in cities and towns under the control of Croatian authorities if armed conflicts escalated in Krajina.

Ominous public rehabilitation of the Independent State of Croatia began at the first party congress of the Croatian Democratic Community by the statement of its leader Franjo Tudjman to the effect that "the Independent State of Croatia was not only a fascist creation, but also an expression of the centuries-old aspiration of the Croatian people for an independent State."

After the victory of the Croatian Democratic Community, a "hunt" was unleashed in Zagreb against all things Yugoslav and Serbian in the period from March 1990 to November 1991. Graffiti

reading "Serbs Out", "No Admission to Dogs and Serbs" (this was written in the underground passage at Vrac), "No Admission to Serbs" (displayed in many shopwindows) and "Long Live Ante Pavelic" or just the initial letters thereof in Serbo-Croatian "ZAP" cropped out all over the city.

A mass exodus of the citizens of Serbian nationality from Zagreb ensued, of which a few examples are given below.

- Of the total number of 5 300 workers in the "Nikola Tesla" telecommunication plant where witness J.V. had worked, 420 of them were Serbs. Things for the Serbs in this plant went from bad to worse since stricter work and discipline measures and rigorous control were introduced against them. Their absence from work was related to the on-going developments - armed conflicts - and insinuations were made that they went to fight on the Serbian side during weekends. When a son of Croatian woman Ana Vojtosek was killed as a member of the National Guard, the Croatian women working in the plant tried to lynch their Serbian workmates.

- Due to omnipresent pressure and threats, workers of Serbian nationality began to leave the plant en masse. When witness J.V. was forced to tender her resignation, she was told in the Personnel Department that she was the 50th Serbian woman leaving the plant. Witness J.V. had to leave Zagreb and she now lives with her family in Serbia as a refugee.

- A circular questionnaire was handed out in the Virovitica sugar plant in which workers were requested to answer if they wanted to work with Serbs. The veracity of the questionnaire was confirmed by Rudolf Brijacak, MP in the Sabor of the Republic of Croatia.

- A list of houses of the citizens of Serbian nationality was made at Dramalj near Crikvenica. Pressure was being brought to bear on Serbs to leave the place.

- The Petrovic family from Jaksic, Municipality of Pozega, was threatened on several occasions by the Croatian military. On 2 March 1992, a bomb was thrown into their sleeping room.

- Due to various forms of pressure against the citizens of Serbian nationality, there are frequent cases of people changing their names and surnames in Split, Rijeka and other towns.

- A box of human flesh was left in the Orthodox cemetery in Dubrovnik on 1 December 1994. It was the placenta taken over on a parturition in the Dubrovnik Hospital Maternity Ward. The big box also contained three bags leaking blood on a charnel house. In the words of the local sexton, such packages arrive to this cemetery two times every month.

- On 12 December 1994, 40 pupils of the elementary school in Cavtat about 10 years old insulted and stoned their teacher Slavojka Kovacevic-Glavic because her father was Serb. The teacher was hit with stones, bottles and petards, while children shouted at her "Cetnik woman" and "We shall beat you to death with sticks". Unconscious, she was taken to the hospital. The principal and other teachers of the school watched the lynching of their colleague. It is interesting to note that in December 1992 she was made redundant and dismissed.

5. Demolition of houses and apartments and the destruction of property

The destruction of property and burning down of villages have been the most frequently used and the most effective means of Croatian authorities for the ethnic cleansing of Serbs. The destruction of Serbian property outside the war-affected areas was typical for the entire war period. Even though the arrival of UNPROFOR put an end to the fighting, the systematic destruction of Serbian houses, apartments and economic establishments continued as a premeditated action of Croatian authorities in Western Slavonia from Bjelovar to Pozega during 1992, the aim of which was to prevent Serbs from returning, to keep possible returnees in constant fear and to create insecurity and anxiety amongst them.

It is estimated that thousands of Serbian houses, apartments and economic establishments were burnt and demolished in Zadar, Zagreb, Karlovac, Osijek and elsewhere in Croatia. Nobody was called to account for these crimes, let alone sentenced. Only some of the perpetrators were detected.

- According to an August 1991 statement of I.Vekic, the then Croatia's Interior Minister, there were 2 495 instances of the planting of explosive devices and of arson. 1 493 cases related to living quarters, 1 002 to hotels, restaurants, shops, automobiles, railway lines, newsstands, National Liberation Movement Memorials and places of worship.

- In Ogulin, 66 establishments owned by Serbs who had been forced to leave the town were dynamited.

- Since 1991, 180 Serbian houses and apartments have been burglarized in the area of Osijek, 300 houses and shops owned by Serbs dynamited and 3 terrorist attacks committed against other Serbian establishments and churches. According to the report of the police station in Karlovac, 177 establishments (private houses, restaurants, shops, business premises, kiosks, automobiles) owned by Serbs were dynamited in this region.

- According to a statement of the Head of the Police Department, Ante Devcic, 207 cases of the planting of explosive devices were registered in Zagreb (In all these cases the citizens of Serbian nationality were involved).

- About 130 Serbian houses were dynamited or burned in the region of Novska and an unknown number of houses, shops and restaurants destroyed in the Municipality of Virovitica.

- According to the statements of some citizens of Split, about 200 establishments owned mainly by the citizens of Serbian nationality were dynamited in this town until the end of December 1991.

- According to numerous statements which it has not been possible to verify, made by the citizens who fled Zadar, about 1 300 establishments were destroyed in this town. That these data might be accurate was confirmed by a report in the "Novi list" of Rijeka which carried a statement of a Zadar police official to the effect that this number could indeed be accurate considering the number of establishments destroyed in Zadar and its vicinity.

- In over 20 villages in the Municipality of Podravska Slatina, most of Serbian houses were destroyed, burned down and looted.

- Over 30 Serbian houses were either dynamited or burned down in Podravska Slatina itself. This explains the fact that, out of 52 per cent of the Serbs who had lived in this town before the outbreak of armed conflicts in Croatia, only 2 per cent remained. It is important to note that there were no combat operations in this area so that the exodus of the Serbs was not caused by combat operations.

- Over 100 Serbian houses were dynamited in Daruvar and surrounding villages. The dynamiting continued even after the deployment of UNPROFOR. Before they were dynamited, the houses were looted.

- In the night between 25 and 26 September 1991, 80 per cent of Serbian houses were burned down in the action of "cleansing" taken by the Croatian military in the village of Brlog, Municipality of Otocac. Over 30 families were made homeless. The representatives of the International Red Cross toured the village of Brlog on 10 April 1994 and established that Serbs no longer lived there.

- Six Serbian houses belonging to Milenko Pavlovic, Nikola Stakic, Dane Pavlovic, Veljko Stakic, Dragan Petric and Nedeljka Paripovic were destroyed at the end of May 1992 in the village of Studenci, Municipality o Gospic, in which both Serbs and Croats lived.

- In mid-December 1992, villager NN of Zavrsje near Slavonski Brod had his economic establishments destroyed and his livestock slaughtered, while his house was subsequently dynamited four times and thus rendered uninhabitable.

- The United States Ambassador in Zagreb, Peter Galbraith, also spoke publicly about the destruction, burning down and looting of Serbian houses. During a meeting at the University of Zagreb held on 30 September 1993, he inter alia said: "Is it possible to call an accident or a necessary accompanying phenomenon of the war the fact that about 10 000 Serbian houses were dynamited in the areas controlled by Croatian authorities."

6. Destruction of churches and places of worship

The Croatian authorities used the crisis and war in Croatia (1991-1994) to realize the idea of Ante Starcevic and to finish the expulsion of Serbs from their ethnic territories commenced by Ante Pavelic. The first victims of the war were churches and other places of worship of the Serbian Orthodox Church. These destructions had been meticulously planned. The coordinated vandalism of Croatian authorities (military, civilian or church) in the destruction of religious establishments (some of them date as far back as the XVII century, while some of the destroyed priceless exhibits were from the XIII and XVI centuries) is therefore not surprising at all.

- In the five eparchies of the Serbian Orthodox Church in the territory of the Republic of Croatia, 294 churches were either destroyed or damaged (139 churches were destroyed, 36 of them were dynamited, 30 burned and 11 shelled; 155 churches were damaged, 10 of them were demolished and 10 looted); 1 monastery was destroyed and 6 damaged; 2 bishop's residences were destroyed, one of which

was looted); 4 bishop's residences were dynamited, 3 were shelled and one looted (8 on aggregate); 69 bishop's homes and other church establishments were destroyed, 47 of them were dynamited and 22 burned; 41 parish's homes and other church establishments were damaged, 29 of them were demolished and 12 looted; 14 chapels were destroyed and 14 damaged; 16 graveyards were destroyed and 14 damaged; a church museum was destroyed; 2 church archives were destroyed; one library was looted, 2 burned down and 1 destroyed.

- The library of the Orthodox Church in Pakrac, established 1690, was destroyed.

- A particularly grave act of vandalism was the dynamiting of the seat of the Zagreb eparchy and the museum of the Serbian Orthodox Church in Zagreb with the exhibits dating back to the XIII and XVI centuries, carried out on 11 April 1992 by the planting of an explosive device.

The Croatia media reported of the damage done to the museum, but they did not say anything about the dynamiting and devastation of the seat of the Zagreb eparchy.

The explosion damaged the invaluable museum exhibits. The collection consisted of 62 icons, 13 hand-written service books, charters dating from between the XIII to XIX centuries many of which printed in Cyrillic letters, 10 samples of church embroideries from the XVIII century, many other books, old archives, about 100 icons and about one hundred valuable church items.

- The building of the Eparchy of the Serbian Orthodox Church in Karlovac was destroyed.

- All churches in the Slavonski Brod area were destroyed or burned down.

- On 21 December 1994, the Orthodox Church of the Resurrection of Virgin Mary in Osijek was dynamited and damaged.

At the same time, Orthodox priests were arrested and ill-treated because of which many had to leave the Republic of Croatia.

7. **Dismissals from work and the violation of labour relationship rights**

Unequal treatment of, and discrimination against, Serbs in employment had been very much in evidence in the Socialist Republic of Croatia even before its secession and the outbreak of armed conflicts. With the escalation of conflicts, the discrimination against Serbs also escalated and threatened their existence.

In the 1990-1993 period, the Serbs in the Republic of Croatia were dismissed en masse. The greatest number of them was dismissed from the State administration, judicial organs, financial institutions, the media and from managerial positions. The explanations proferred were that they had been "privileged" in the first place as members of "communist" nomenclature, that they were "unqualified" and that after all they were the "victims of the economic crisis" like everybody else.

Many Serbs said that immediately after they had been dismissed allegedly as redundant, Croats were given the same jobs.

Violations of labour relationship rights consisted primarily of removing Serbs from responsible and well paid jobs to less responsible and less paid jobs and in unlawful dismissals. This practice reduced the Serbs' income and increased their existential fears.

On 11 February 1992, the Ministry of Labour, Social and Family Protection issued an instruction to the effect that the return and re-employment of persons who "had taken to the woods and engaged in hostile activities against the interests of the Republic of Croatia" be prevented. The instruction affected in particular those Serbs who, under pressure, had been forced to leave their permanent places of residence. The few of those who did return nonetheless were being interrogated, denied employment opportunities and maltreated in various other ways.

Given below are some typical cases:

- Systematic ethnic cleansing of Croatian ministries and institutions from Serbs has gone on since the 1990 elections in the Republic of Croatia.

- In October 1990, the then Defence Minister of the Republic of Croatia, Martin Spegelj, ordered 20 Serbs to leave their jobs in the Defence Ministry within one hour. In mid-1992, the same Ministry dismissed other 60 Serbs. Serbs no longer work in the Defence Ministry of the Republic of Croatia.

- In the early summer of 1991, the City Water Supply Company of Zagreb purged all those that were considered "unreliable". In a discussion in the City Assembly of the "personnel situation in the Company", it was said that there were too many Serbs and that they were potential enemies (of 1 033 employees in this Company, only 59 were Serbs).

- On the basis of the decision of the Commissariat of the Government of the Republic of Croatia that persons who had signed the petition that the Daruvar Municipality be annexed to "the Serb Autonomous District of Krajina" could not work in the "State administration of the Republic of Croatia", disciplinary measures were taken against Serbs and 25 of them were dismissed. 7 Serbs were dismissed from the local government administration in Daruvar; 2 in the People's University, 5 in the Secondary School Centre, 1 in the Medical Centre, while other dismissed Serbs had worked in elementary schools in Daruvar, Sirac and Dezanovac.

Furthermore, on the basis of the booklet "Who is Who in Daruvar?", dismissals of Serbs, primarily from local government administration and then from companies and institutions, continued in Daruvar.

- Typical examples of the "cleansing" of the police from Serbs were the dismissals of 37 Serbs, out of 72 officers, from the Podravska Slatina Police Station. Similar "purges" were carried out in local government administration.

- The few remaining Serbs in the Zagreb Police Headquarters were subjected to pressure. The customary method of pressure were frequent transfers from station to station. Not even Croats married to Serbs were spared.

- At the end of 1991 and early 1992, Serbs were dismissed en masse from the "Slavija" trade company of Zagreb to prevent them from buying the Company shares.

- The general manager of the "AIPK" trade company of Zagreb was prohibited to enter the company's premises only because he was a Serb.

- Serbs were also dismissed from the Social Insurance Fund of Zagreb.

- On 9 September 1991, a group of workers in the "TOP" company of Zagreb requested from their general manager to ban Serbs from that company only because of their nationality.

- In June 1992, the Railway Transport Company of Zagreb dismissed 14 Serbs despite the fact that many of them had signed the loyalty declaration to Croatia as early as 1991.

- The instruction of the Education Ministry of the Republic of Croatia to the effect that Serbs could not teach the Croatian language, although they had adequate qualifications and had taught it for years, was particularly galling.

- Mass dismissals followed the decision of the Government of the Republic of Croatia to dismiss unqualified workers, but the criteria used were not qualifications but nationality. The example of "The Bank of Split" was very illustrative. 52 employees were dismissed, mostly those who had declared themselves as Serbs and Yugoslavs.

8. **Forcible moving into apartments (evictions)****

A particularly effective form of pressure on Serbs in the Republic of Croatia have been unlawful eviction of Serbs from their apartments and the occupation of these apartments by Croats. After futile attempts to protect their rights, most of them decide to leave their homes and Croatia for ever.

Unlawful evictions exemplify in the most telling way the organized terror of the Croatian State and the great nationalistic exclusiveness of Croats. They are in outright contradiction with the assertions of Croatian officials and Croatian representatives in international organizations that Croatia is a democratic State. The gravity of the problem of the eviction of Serbs from apartments and the serious violations of the basic human rights are evinced by the fact that the United Nations Special Rapporteur for Human Rights in the Former Yugoslavia, Tadeusz Mazowiecki, addressed a letter to Croatian Deputy Prime Minister and Foreign Minister Mate Granic to the effect that the practice of unlawful and forcible evictions continued in Croatia. He warned that it was the duty of the Croatian Government, in accordance with its international commitments, to take effective measures to end the unlawful and

---

**At the meeting discussing unlawful evictions in the Republic of Croatia, held in Zagreb on 2 and 3 November 1994, the President of the Croatian Helsinki Committee, Ivan Zvonimir Cicak (the organizer of the meeting) inter alia said: "Since the beginning of the war, 2 000 apartments have been taken over, legally or illegally, in Karlovac. And if Karlovac is taken as a statistical sample for the 4.5 million population of the Republic of Croatia, the number of persons in Croatia evicted from their apartments could be expressed in tens of thousands of families. There have been similar examples in other towns of the Republic of Croatia."

forcible evictions which constituted serious violations of human rights. The Special Rapporteur reported that there had been about 5 000 unlawful and forcible evictions in the Republic of Croatia.

The problem of unlawful evictions was pinpointed also in the State Department report on the human rights situation in Croatia, published in early March 1994. It is said in the Report that these evictions have not ceased despite official Croatian promises.

Given below are only some of the numerous cases of unlawful evictions:

- According to incomplete data, 2 000 apartments in Karlovac left by Serbs under pressure or expelled to the Kordun area have already been unlawfully re-possessed by - Croats. As it is known that about 30 000 Serbs have been expelled from Karlovac, it is to be assumed that new tenants in the remaining apartments will be Croats in which way the Croatian authorities prevent Serbs from returning to their homes.

- Miroslav Kuljanin, former police officer in Zagreb, was forcibly and unlawfully evicted from his apartment by the Croatian police.

- In December 1991, Ljiljana Subasic's apartment was raided by a group of Croatian soldiers who ordered her to leave her apartment. She left the apartment and her job and fled to Slovenia.

- During their absence for medical treatment, Pera and Nevenka Scekic's apartment in Zagreb was forcibly occupied by a group of Croatian guards.

- During her absence for family reasons, Nedeljka Prica's apartment in Zagreb was forcibly occupied by a member of the Croatian army.

- Todor Ilic from Zagreb left temporarily Zagreb because of threats, which circumstance was used by a member of the Croatian army to move into his apartment.

- The apartment of Miroslava Sekulic from Zagreb was forcibly occupied by a member of the Croatian army, Drazen Culjat, with the permission of the Defence Ministry of the Republic of Croatia. On that occasion, he threw out Miroslava and her 8-month pregnant daughter-in-law. The military and civil police refused to intervene.

- On 7 February 1992, Ankica Dabic's apartment in Zagreb was forcibly occupied by Croatian police officer Davor Ramljak.

- On 6 April 1992, the apartment of Momir Kelecevic at Djure Pucara 19 in Zagreb was forcibly occupied by a Croat by the name of Dabic.

- During his hospitalization, the apartment of disabled person M.M. from Karlovac was unlawfully occupied by members of the Croatian army.

- Milos Stojic from Karlovac, professor, was hospitalized towards the end of 1991 and at the beginning of 1992. His apartment was burglarized and looted during that period and an unknown person moved into it. He took necessary action to have the apartment returned, yet he received no reply. He interceded with the competent authorities of the Republic of Croatia (including the President of the Republic), but all his intercessions were to no avail.

- Radmila Rakovic from Daruvar, a chemistry engineer, was pensioned as a disabled person. During her medical treatment abroad, nobody lived in her apartment. By its decision of 4 November 1994, the local Zupanija authorities allocated her apartment to another person. By Sisak District Court decision No. P-791/94, she had the apartment returned, but the present tenant refuses to move out. He is backed by the Sisak Foundry, the owner of the apartment. She filed another suit, but the process is very slow since the defendant refuses to attend court hearings.

A particular problem are former JNA apartments* allocated in 1991 to a number of retired officers, civilians who worked for the JNA and active officers. All these persons received necessary documents from the JNA Housing Department. However, on

---

***Ivan Zvonimir Cicak said in his introductory statement at the meeting referred to above that, according to the data presented by former President of the Housing Commission of the Croatian Defence Ministry Modrusan in his interview to the "Vjesnik" daily (1993), the Croatian authorities had taken over 53 000 apartments from the JNA. However, according to the information presented recently by former Deputy Prime Minister and present Vice-President of the Sabor Vladimir Seks the Croatian authorities took over 38 268 apartments. The Government has yet to explain the "disappearance" of about 15 000 apartments, to say whether it took them over or not.

24 July 1991, the Croatian Government adopted a decision prohibiting use of the immovable property of the JNA and the Federation. Proceeding from this decision, in mid-1992, the Croatian Defence Ministry began eviction of all tenants through municipal organs. It alleged that officers and civilians who had worked for the JNA had moved into the apartments unlawfully, although they possessed legal documents issued by the former JNA. This conduct was all the more unlawful as the former military housing regulations had been cancelled by the Republic of Croatia only on 8 October 1991. In this way, about 4 500 military apartments have been seized.

The greatest number of unlawful evictions took place in Split (1 500 families were evicted in the last two years) and Zagreb.

The Croatian Government had planned to evict tenants from 17 000 apartments. So far, about 6 000 families, mainly Serbian, have been evicted. Despite frequent protestations by influential international institutions and individuals, such as United Nations Special Rapporteur Tadeusz Mazowiecki, concerning the practice relative to military apartments, the Croatian Government continues the abuses, regardless of the agreement it signed with the JNA in November 1991, witnessed and guaranteed by the European Union.

Croatia postpones adoption of a law on the purchase of military apartments, bringing thus several thousand tenants into an unequal position.

Of particular concern is the abuse of rights, especially the cases of the violation of legal norms, by the State organs and the subsequent postulation of such violations as a legal basis for court decisions (a tenant would first be evicted and after 6 months the court would decide to seize the apartment since he/she has not lived in it for 6 month as provided for by law).

9. Spiritual genocide

The Orthodox Serbs in the Republic of Croatia are being converted into Catholicism by most perfidious methods. As they have resisted the assimilation over centuries, the present-day Croatian authorities seek to achieve that goal by the conversion.

Pre-school and school children are the main targets. According to the available data, over 10 000 Serbian children in Croatia have been converted into Catholicism since the outbreak of armed conflicts. Religious instruction is an optional subject in Croatian schools. It is taught by Catholic priests and ever since its introduction Orthodox Serbian children have elected not to attend it. Because of that, these children were marked out as non-Christians, humiliated and even maltreated. To spare their children from the humiliation and maltreatment and ensure them normal education, their parents ask Serbian Orthodox priests to issue certificates to the effect that their children have been baptized in the Orthodox church and present them to Catholic priests who take the children to the first Communion in the Catholic church and direct them to attend Catholic religious instruction.

Deputy Dragan Hinic spoke in the Croatian Sabor about the conversion of Serbian children into Catholicism. On 20 October 1994, he said that between 11 000 and 14 000 Serbian school children had been converted into Catholicism, whereupon he was physically attacked by Drago Krpina, Croatian deputy in the Sabor. Not even the Catholic Church in Zagreb could deny this fact, which it did on previous occasions.

Attendance of Catholic religion classes is explained away by government and Catholic Church officials by the desire of non-Catholic parents to send their children to those classes for pragmatic reasons. At the same time, they say that no pressure is being put on children and their parents and that, by attending Catholic religion classes, the children are not required to change faith, which, however, is contrary to the cannons of the Catholic Church. Catholic religious teachers say that they cannot refuse the children wishing to attend Catholic religion classes since this would mean discrimination against these children. They also say that many of these children come from mixed marriages. The contention of Catholic Church officials that the Orthodox Church refused the offer to include its priests in religious instruction in schools should be understood as an excuse. The Croatian educational authorities have recently begun to enter wantonly Serbian children into school registers as Croats.

The disrespect of the Croatian authorities for the Serbian Orthodox Church and the Serbian people is best illustrated by the fact that they refuse to use the term "Serbian Orthodox Church" and use "Greek Eastern Church" instead.

The greatest number of priests of the Serbian Orthodox Church and its five bishops have been expelled from the Republic of Croatia (only 5-6 remained). The Croatian authorities do not allow them to return and even if they did the priests would have nowhere to go since many Orthodox churches and priests' residences have been destroyed.

Given below are some cases of the abuse of religion:

- In 1992, B.R., fifth-former in the "K.R." elementary school in Zagreb, was entered into the school register as a Serb. When her schoolmates learned of that, they laughed at her, insulted and maltreated her. Teachers took no educational measures to protect her excusing themselves with the explanation that the deviant behaviour of other children could not be prevented since they had been brought up in that spirit in the family. The Serbian girl did not attend Catholic religion classes and it only added to her maltreatment.

- According to the records of the Serbian Orthodox Church, 41 parents asked that their children be released from the Orthodox Church, so that they could attend Catholic religion classes and be converted into Catholicism. These were elementary school children born between 1978 and 1985 and four youths born between 1966 and 1968. Their parents explained Serbian Orthodox Church priests that they wanted their children to attend Catholic religion classes in order to fit into the environment, avoid harassment and allay suspicion of their schoolmates and teachers.

- On 21 May 1992, parent N.N. asked his Serbian Orthodox Church priest to issue his child a baptism certificate and said in his request that he needed the certificate for his child's first Communion in a Catholic church and the Catholic priest requested the certificate.

- Parent N.N. asked his Serbian Orthodox Church priest to issue a certificate to the effect that his children had been baptized in the Orthodox Church in order to spare the children from humiliation and from being called Antichrists.

- Conversion of Serbian Orthodox children into Catholicism is illustrated by a letter of the Church of St. Cross in Zagreb in which it is said that N.N. wants to take the first Communion in this Church and the Serbian Orthodox Church is, therefore, kindly requested to issue the child a baptism certificate. These acts of educational and church authorities of the Republic of Croatia directed against Serbian children are aimed at assimilating the Orthodox population and at cleansing in a most perfidious way the Serbian people from the areas in which it has lived for centuries.

10. Citizenship problems

One of the conditions for the acquisition of "domovnica" (Croatian citizenship) spelled out in the Law on the Croatian Citizenship is the possibility to conclude "from one's behaviour that he/she respects the legal order and customs of the Republic of Croatia and accepts Croatian culture" (Article 8, para. 1, subpara. 5). Besides, Article 26 of the same Law says that the Ministry of the Interior can refuse the request for the acquisition or cessation of citizenship although all conditions are fulfilled if it assesses that there are reasons of interest for the Republic of Croatia because of which the request for the acquisition or cessation of citizenship should be refused. This gives the discretionary right to the competent authorities (police) to deny, without explanation, the Serbs the right to acquire or renounce Croatian citizenship. Furthermore, the acquisition of citizenship is conditioned by the requirement that citizens sign a declaration of loyalty to the regime.

By providing for the power of the authorities to grant or refuse to grant citizenship at their discretion (the latter provision being most often applied to Serbs), "democratic" Croatia violates in the most direct way the basic political, civil, economic and social rights of some of its citizens and uses "domovnica" as a powerful means of discrimination against them and their eventual assimilation.

There are many examples of the refusal to grant "domovnica" reported even in the Croatian press. The given example is very illustrative:

- Dragan Jankovic, Serbian physician from Rijeka, applied for Croatian citizenship and his request was refused without explanation. In its decision, the Ministry of the Interior said that Dragan Jankovic fulfilled the conditions for the acquisition of Croatian citizenship, but that there were reasons of interest for the Republic of Croatia because of which his request had been refused. The Constitutional Court of Croatia overruled the decision of the Ministry of the Interior with the explanation that because of the said reasons, the exercise of the basic human and civil rights contained in the provisions of Articles 18, 19 and 28 of the Croatian Constitution was being prevented. After Dragan Jankovic submitted

another application, the Croatian Ministry of the Interior decided to refuse his request again with the explanation that the party had not been registered as residing continually in the Republic of Croatia over the past 5 years. Dragan Jankovic had been born in Nis, now in the FR of Yugoslavia, and moved to Rijeka with his parents when he was one year old. His case remains pending.

11. **Representation in government**

Serbs have been removed from all government institutions and agencies, police, the military and from education, judiciary and health institutions. In addition, the number of Serbs in other public services is negligible as these services and institutions have also been ethnically cleansed.

The political inequality of Serbs has resulted in their economic inequality. They have been removed from managerial positions in companies, banks and financial institutions.

Serbs are discriminated against also in the exercise of ownership rights and the right to equitable participation in the transformation of social capital. This is also true of Serb institutions (Serbian Orthodox Church, Serbian Cultural Society "Prosveta") which have not realized their ownership right to nationalized property.

12. **Destruction of victims of fascism memorials**

Official Croatian authorities turn a blind eye to the ever more frequent cases of the desecration and destruction of memorials dedicated to the memory of the anti-fascist struggle of the Yugoslav peoples. Not only do not official Croatian authorities prosecute and punish the perpetrators of these acts but they have stooped so low as to aid and abet their commission and often commit them themselves.

It is estimated that over 2 000 memorials commemorating the anti-fascist struggle have been destroyed or damaged. For example, the Jasenovac memorial complex has been damaged and museum exhibits testifying to the Ustasha crimes committed against the Serbian people in this infamous and one of the biggest concentration camps in World War Two have been either destroyed or mysteriously spirited away.

A particularly threatening form of the renewal of the Ustasha movement is the re-introduction of the kuna as the currency of the Republic of Croatia and the changing of the names of streets, squares, various establishments and institutions, including even geographic names, into the names which, in Croatia's recent past, symbolized the dark age of the fascist-Ustasha regime.

The introduction of the works of the well known Ustasha ideologist of Pavelic's Independent State of Croatia, Mile Budak, in the curricula of elementary and secondary schools in Croatia is cynicism of the first order for the relatives and descendants of the hundreds of thousands of those hapless Serbian men and women who had been put to death by that nefarious regime.

UNITED NATIONS **A E**

General Assembly
Economic and Social Council

Distr.
GENERAL

A/50/93
E/1995/16
8 March 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Item 114 (a) of the preliminary list*
HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

ECONOMIC AND SOCIAL COUNCIL
Substantive session of 1995
SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS

Letter dated 8 March 1995 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to transmit to you in your capacity as depositary of multilateral treaties, the position of the Government of the Federal Republic of Yugoslavia concerning the comments made by the representatives of Slovenia (E/CN.4/1995/122), Croatia (A/50/75-E/1995/10) and the former Yugoslav Republic of Macedonia (A/50/78-E/1995/11) regarding document E/CN.4/1995/80 of 28 November 1994, entitled "Status of the international covenants on human rights".

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under item 114 (a) of the preliminary list, and of the Economic and Social Council, under the item entitled "Social, humanitarian and human rights questions: human rights questions".

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

---

* A/50/50.

Annex

The positions of the former Yugoslav republics contained in documents A/50/75-E/1995/10; A/50/78-E/1995/11 and E/CN.4/1995/122 are aimed at denying the international legal continuity of the Federal Republic of Yugoslavia with the former Socialist Federal Republic of Yugoslavia in the treaties listed in the Secretary-General's report entitled "Status of the international covenants on human rights: succession of States in respect of international human rights treaties" (E/CN.4/1995/80). These positions are untenable for the following reasons:

1. These States invoked General Assembly resolution 47/1 and Security Council resolutions 757 (1992) and 777 (1992), which are unrelated to the status of the Federal Republic of Yugoslavia in the said international treaties. They relate to its status in the United Nations (namely that the Federal Republic of Yugoslavia is not the only successor and cannot automatically continue membership in the United Nations). However, the opinion of the United Nations Under-Secretary-General for Legal Affairs on the scope of General Assembly resolution 47/1 of 30 September 1992 does not provide a basis for denial of the membership of the Federal Republic of Yugoslavia in the United Nations ("..., the resolution neither terminates nor suspends Yugoslavia's membership in the Organization").

2. The status of the Federal Republic of Yugoslavia as a full-fledged party to the international treaties signed by the former Socialist Federal Republic of Yugoslavia was explicitly confirmed by the legal opinion of the United Nations Office of Legal Affairs of 16 November 1993:

> "The status of Yugoslavia as a party to treaties was not affected by the adoption by the General Assembly of resolution 47/1 of 22 September 1992. By that resolution, the General Assembly decided that the Federal Republic of Yugoslavia (Serbia and Montenegro) shall not participate in the work of the General Assembly. It did not address Yugoslavia's status as a party to treaties."

3. The opinions of the Badinter Arbitration Commission (Nos. 8, 10 and 11 (see S/1994/189 and S/26233)), noting the "disintegration of Yugoslavia", were adopted outside the mandate entrusted to it by the conflicting parties. As such, they are, according to the norms of international law relating to the arbitration, legally untenable. The continuity of the Yugoslav State regarding international treaties and its membership in international organizations can be supported by the practice of the United Nations and particularly by the opinion of the United Nations Legal Counsel in 1947 (which confirmed the continuity of India's membership in the United Nations after the secession of Pakistan), as well as by the subsequent United Nations practice (secession of Bangladesh from Pakistan and Singapore from Malaysia). In view of these facts, the invoking by Croatia, Slovenia and the former Yugoslav Republic of Macedonia of the practice of the United Nations, other international organizations and the norms of international law in denying the continuity of the Federal Republic of Yugoslavia with the former Socialist Federal Republic of Yugoslavia is not valid.

4. The generalized and inaccurate references to the alleged non-application by the third States of bilateral treaties concluded previously with the former Socialist Federal Republic of Yugoslavia and following the secession of the former Yugoslav republics is equally untenable. Namely, only Austria, Germany, some European Union members and radical Islamic States explicitly denied the validity of, or cancelled, some bilateral agreements or severed diplomatic relations with the Federal Republic of Yugoslavia (New Zealand and Malaysia) on the basis of the "disintegration of the Socialist Federal Republic of Yugoslavia".

5. It should be noted that the Vienna Conventions on the Succession of States, accepted as the basis for the negotiations within the International Conference on the Former Yugoslavia, although they have not yet entered into force, envisage different rights and treatment of the predecessor State vis-à-vis newly created States. They provide for the right of the predecessor State to continuity with respect to international treaties, regardless of the fact that the principles and norms applicable to the succession of States are also applicable to the division of assets and liabilities.

6. Furthermore, the requests of the above-mentioned States for equating their own status with that of the Federal Republic of Yugoslavia are not acceptable either from the political or the moral standpoint and could create a negative precedent for other States, leading to possible broader destabilization of the international community, in view of the fact that their independence was gained by forcible secession, prohibited by international law.